IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 12602 AND 12603 OF 2005

WRIT PETITION NO.12602 OF 2005

Between:

Angaluru Raghavacharyulu
S/o. Late Sri Venkatanarasimha Charyulu
Ranga Reddy District, Andhra Pradesh,

Plot No. 14, Hanumannagar,
Near T.R.R. Township, Vaisalinagar Post, Hyderabad-79.

..... PETITIONER

AND

1 The A.P. Administrative Tribunal Rep. by its Registrar,
Andhra Pradesh, Hyderabad.
2 The Government of Andhra Pradesh, Rep. by its
Secretary, Department of Revenue, Hyderabad.
3 The Commissioner of Endowments, Government of
Andhra Pradesh, Bogulkunta, Tilak Road, Hyderbad.
4 Sri I. Venkateshwarlu S/o Not known,
130, Prashasan Nagar, Jubilee Hills, Hyderabad.
5 Sri J.P. Murhty S/o. Sri Suryanarayana Murhty, Prl. Secrtary (Home)
Former Revenue (Endowments) Road No.13, Jubilee Hills,

Hyderabad.
6 Sri Seetharamswamy Temple, Rep. by its Manager,
Devarayamzal, Ranga Reddy District.

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, writ or direction, more particularly one in the nature of Certiorari, calling for the records in O.A.No. 2412 of 2005 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad and quash the order dated 9-6-2005 in the said O.A. and the order dated 31-5-2005 in Rc.No.VI/23562/2005 said to be of the 3rd Respondent.

Counsel for the Petitioner: MR.SRINIVASA RAO BODDULURI

Counsel for the Respondents : GP FOR ENDOWMENTS

WRIT PETITION NO : 12603 of 2005

Between:

Ambaripeta Mohanacharyulu, S/o Sri Seshacharyulu,
Sri Ujjaini Mahankali Temple, Secunderabad,
Andhra Pradesh.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its Secretary,
Department of Revenue (Endowments), A.P. Secretariat,
Hyderabad.
2 The Commissioner of Endowments, Government of
Andhra Pradesh, Boggulakunta, Tilak Road, Hyderabad.
3 Sri I. Venkateshwarlu, 130, Prashasan Nagar, Jubilee
Hills, Hyderabad.

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, writ or direction more particularly one in the nature of Certiorari, calling for the records in O.A.No. 2411 of 2005 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad and quash the order dt. 9-6-2005 in the said O.A. and the order dated 31-5-2005 in Rc.No.VI/23562/2005 said to be of the 3rd respondent.

Counsel for the Petitioner: MR.SRINIVASA RAO BODDULURI

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following:

COMMON ORDER: (Per MVR,J)

These writ petitions are disposed of as both the sides requested for disposal of the writ petitions itself.

Aggrieved by the orders, dated 09.06.2005, made in O.A.No.2412 and 2411 of 2004 on the file of the A.P. Administrative Tribunal ordering notice before admission to the respondents in the said cases respectively, the writ petitioners have approached this Court seeking quashing of the above orders of the A.P. Administrative Tribunal and the respective orders, dated 31.05.2005, made in R.C.No.V1/23562/2005 by the Vigilance Officer of the Endowments Department, whereunder he suspended the petitioners, who were working as Assistant Commissioner of Endowments.

The brief facts that led to filing of the writ petitions, as per the petitioners, to the extent relevant for the purpose of disposal of this writ petitions are as under:

The petitioners joined the service of Endowments Department and gradually ascended to the post of Assistant Commissioner. The petitioners are presently working as Assistant Commissioner, Endowments Department, Ranga Reddy district, in Hyderabad and Executive Officer, Ujjaini Mahankali temple respectively. The petitioner in W.P.No.12603 of 2005 was posted as in charge Deputy Commissioner. There are number of temples falling within their jurisdiction. One such temple is Seetharama Swamy Temple, situate at Devarayanjal village, Shamirpet Mandal, Ranga Reddy District. There are

several civil cases filed by the temple and against the temple in various Courts. At the instance of the Commissioner of Endowments, the petitioners sent reports submitting the status of the lands, market value etc., The Commissioner of Endowments decided to enter into compromise with several claimants. While so, news exploded in the press alleging that temple lands were sold to third parties at throwaway prices. The A.P. Government reacted to those reports and initiated several steps, as part of which the impugned orders suspending the petitioners came to be passed by the Vigilance Officer, who has absolutely no power or jurisdiction over the petitioners. Hence, the writ petitions.

The learned counsel for the petitioners questioning the jurisdiction of the Vigilance Officer, who passed the impugned orders, *inter alia* contended that the petitioners were not given enough time by the Commissioner to send detailed reports. The allegation that the lands were sold to third parties at a throwaway price, appeared in the press is unverified and far from truth. He also contended that apart from furnishing the values as per the Valuation Register of the Sub-Registrar and other facts, the petitioners have not decided independently as to the market value and they were unjustly made scapegoats.

We need not go into fixing of the liability. The writ petitions can be disposed of on the question of the jurisdiction of the Vigilance Officer in passing the impugned orders. It is not disputed that the appointing authority for the post of the Assistant Commissioner is the Commissioner of Endowments. But the impugned orders, suspending the petitioner herein, were passed by the Vigilance Officer. It is fundamental to the law of jurisprudence that no civil servant shall be dismissed or removed by any authority subordinate to that by which he was appointed. In the present case, admittedly the appointing authority is the Commissioner of Endowments. Though an order of suspension against a civil servant does not amount to removal or dismissal from service, any authority, other than the appointing authority, can exercise the power of suspension, provided the said authority is authorized by the relevant Rules specially empowering it in that regard. No material is placed before us, whereunder the Vigilance Officer is empowered to pass the impugned orders.

On that score alone, the impugned order is liable to be set aside.

Therefore, the writ petitions are allowed with costs setting aside the order impugned in these writ petitions on the sole ground that the Vigilance Officer, who passed the impugned orders, has no authority to suspend the petitioners. However, it is made clear that this order does not prevent the Government from proceeding against the petitioners for the alleged irregularities as is open to it under law.

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J.CHELAMESWAR, J.

Dated:06-07-2005.

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M.VENKATESWARA REDDY, J.

GS

That Rule Nisi has been made absolute as above.

Witness the Hon'ble the Acting Chief Justice Sri Bilal Nazki, Wednesday the Sixth of July, Two thousand Five.

To

1 The Registrar, A.P. Administrative Tribunal
Andhra Pradesh, Hyderabad.

2 The Commissioner of Endowments, Government of
Andhra Pradesh, Boggulakunta, Tilak Road, Hyderabad.

3 The Secretary, Government of Andhra Pradesh,
Department of Revenue, Hyderabad.

4 The Commissioner of Endowments, Government of
Andhra Pradesh,

5 The Manager, Sri Seetharamswamy Temple,
Devarayamzal, Ranga Reddy District.

6) 2 CD copies

7) 1 CC to MR.SRINIVASA RAO BODDULURI

8) 1 CC to MR.SRINIVASA RAO BODDULURI